

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

0 Valuation of Security

0 Assumption of Executory Contract or Unexpired Lease

1 Lien Avoidance

Last revised: August 1, 2020

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**In Re: **Dean A Vitale, Sr.
Patricia A Vitale**Case No.: **22-12769**Judge: **Christine M. Gravelle**

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS - AMENDED☐ Original☒ Modified/Notice Required

Date:

2/21/2023☒ Motions Included☐ Modified/No Notice RequiredTHE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.**YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☒ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY

SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney OJK Initial Debtor: DAV Initial Co-Debtor PAV

Part 1: Payment and Length of Plan

- a. The debtor shall pay **\$200.00 Monthly for 60 months** to the Chapter 13 Trustee, starting on May 1, 2022 for approximately 60 months.
- b. The debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future Earnings
 - ☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
- ☐ Sale of real property
Description:
Proposed date for completion: _____
 - ☒ Refinance of real property:
Description: 206 Adirondack Ave, Spotswood, NJ 0884
Proposed date for completion: May 5, 2023
 - ☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____
- d. ☒ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ **NONE**

- a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).
- b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Otto J. Kostbar, Esq. OK7970	Attorney Fees	2,500.00

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:
- ☒ None
 - ☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim

pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Select Portfolio Servicing	206 Adirondack Avenue Spotswood, NJ 08884 Middlesex County	174,237.07	0.00	8,300.00	1,854.52

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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Internal Revenue Service	206 Adirondack Avenue Spotswood, NJ 08884 Middlesex County	6,363.09	426,800.00	None	6,363.09	0.00	0.00
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☐ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Creditor

g. Secured Claims to be Paid in Full Through the Plan ☐ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ☐ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

☐ Not less than \$___ to be distributed *pro rata*

☐ Not less than ___ percent

☒ *Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all affected lienholders, together with local

form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☐ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Internal Revenue Service	206 Adirondack Avenue Spotswood, NJ 08884 Middlesex County	Statutory Lien, Judgment Lien	6,363.09	426,800.00	0.00	423,714.30	6,363.09

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions

- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

NOTE: Modification of a plan does not require that a separate motion be filed. A modified plan must be served in accordance with D.N.J. LBR 3015-2.

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 12/6/22.

Explain below why the plan is being modified:	Explain below how the plan is being modified:
To allow the debtor to renege the propety to pay off the arrears on the mortgage	Requesting till May 5, 2023 to refinance the property

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: February 21, 2023 /s/ Dean A Vitale, Sr.
Dean A Vitale, Sr.
Debtor

Date: February 21, 2023 /s/ Patricia A Vitale
Patricia A Vitale
Joint Debtor

Date: February 21, 2023 /s/ Otto J. Kostbar, Esq.
Otto J. Kostbar, Esq. OK7970

Attorney for the Debtor(s)

In re:
Dean A Vitale, Sr.
Patricia A Vitale
Debtors

Case No. 22-12769-CMG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin

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Date Rcvd: Feb 22, 2023

Form ID: pdf901

Total Noticed: 19

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. § 342(f)/Fed. R. Bank. P. 2002(g)(4).
^	Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 24, 2023:

Recip ID	Recipient Name and Address
db/jdb	+ Dean A Vitale, Sr., Patricia A Vitale, 206 Adirondack Ave, Spotswood, NJ 08884-1306
519549300	+ BAC Services, Llc., Attn: Bankruptcy, Po Box 538, Howell, NJ 07731-0538
519549308	+ Latitude Subrugation Services, PO Box 2167, Birmingham, MI 48012-2167

TOTAL: 3

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
aty	^ MEBN	Feb 22 2023 20:48:09	KML Law Group, PC, 701 Market Street, Philadelphia, PA 19106-1541
smg	Email/Text: usanj.njbankr@usdoj.gov	Feb 22 2023 20:49:00	U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+ Email/Text: ustpregion03.ne.ecf@usdoj.gov	Feb 22 2023 20:49:00	United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
lm	+ Email/Text: BKSPSElectronicCourtNotifications@spservicing.com	Feb 22 2023 20:49:00	Select Portfolio Servicing, Inc., P.O. Box 65250, Salt Lake City, UT 84165-0250
519549302	+ Email/Text: documentfiling@lciinc.com	Feb 22 2023 20:48:00	Comcast, PO Box 70219, Philadelphia, PA 19176-0219
519564578	+ Email/Text: kmorgan@morganlaw.com	Feb 22 2023 20:49:00	Ford Motor Credit Company LLC, c/o Morgan, Bornstein and Morgan, 1236 Brace Road, Suite K, Cherry Hill, NJ 08034-3229
519549303	Email/Text: sbse.cio.bnc.mail@irs.gov	Feb 22 2023 20:49:00	Internal Revenue Service, PO Box 21126, Philadelphia, PA 19114
519549307	^ MEBN	Feb 22 2023 20:48:09	KML Law Group, 701 Market Street, Ste 5000, Philadelphia, PA 19106-1541
519551772	Email/PDF: resurgentbknotifications@resurgent.com	Feb 22 2023 20:52:59	LVNV Funding LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
519634577	Email/PDF: resurgentbknotifications@resurgent.com	Feb 22 2023 20:52:58	LVNV Funding, LLC c/o Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
519584684	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Feb 22 2023 20:52:30	Portfolio Recovery Associates, LLC, c/o CAPITAL ONE BANK (USA), N.A., POB 41067, Norfolk, VA 23541
519549309	+ Email/PDF: resurgentbknotifications@resurgent.com	Feb 22 2023 20:52:59	Resurgent Capital Services, Attn: Bankruptcy, Po Box 10497, Greenville, SC 29603-0497
519549310	+ Email/Text: bankruptcy@savit.com	Feb 22 2023 20:49:00	SaVit Collection Agency, Attn: Bankruptcy, Po

District/off: 0312-3

User: admin

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Form ID: pdf901

Total Noticed: 19

519549312	+ Email/Text: BKSPSElectronicCourtNotifications@spservicing.com Feb 22 2023 20:49:00	Box 250, East Brunswick, NJ 08816-0250 Select Portfolio Servicing, PO Box 65250, Bankruptcy Dept, Salt Lake City, UT 84165-0250
519637764	Email/Text: BKSPSElectronicCourtNotifications@spservicing.com Feb 22 2023 20:49:00	U.S. Bank N.A., as trustee, at. el, c/o Select Portfolio Servicing, Inc., P.O. Box 65250, Salt Lake City UT 84165-0250
519628388	+ Email/PDF: ebn_ais@aisinfo.com Feb 22 2023 20:53:12	Verizon, by American InfoSource as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
TOTAL: 16		

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
519549301	*+	BAC Services, LLC., Attn: Bankruptcy, Po Box 538, Howell, NJ 07731-0538
519549305	*P++	INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346, PHILADELPHIA PA 19101-7346, address filed with court., Internal Revenue Service, PO Box 21126, Philadelphia, PA 19114
519549306	*P++	INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346, PHILADELPHIA PA 19101-7346, address filed with court., Internal Revenue Service, PO Box 21126, Philadelphia, PA 19114
519549304	*P++	INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346, PHILADELPHIA PA 19101-7346, address filed with court., Internal Revenue Service, Special Procedures, 955 S. Springfield Ave, Bldg A, Springfield, NJ 07081
519549311	*+	SaVit Collection Agency, Attn: Bankruptcy, Po Box 250, East Brunswick, NJ 08816-0250

TOTAL: 0 Undeliverable, 5 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 24, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 21, 2023 at the address(es) listed below:

Name	Email Address
Albert Russo	on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo	docs@russotrustee.com
Denise E. Carlon	on behalf of Creditor U.S. Bank N.A. as trustee, on behalf of the holders of the J.P. Morgan Mortgage Acquisition Trust 2006-CH2 Asset Backed Pass-Through Certificates, Series 2006-CH2 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Otto J. Kostbar	on behalf of Joint Debtor Patricia A Vitale ojkostbar@gmail.com
Otto J. Kostbar	on behalf of Debtor Dean A Vitale Sr. ojkostbar@gmail.com
U.S. Trustee	

District/off: 0312-3

User: admin

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Date Rcvd: Feb 22, 2023

Form ID: pdf901

Total Noticed: 19

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6